

## CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 25

AN ACT

To repeal sections 210.145, 210.183, 210.566, 452.340, 454.390, 454.440, 454.455, 454.460, 454.470, 454.480, 454.496, 454.511, 454.810, and 511.350, RSMo, and to enact in lieu thereof twelve new sections relating to children and minors, with penalty provisions.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1           Section A. Sections 210.145, 210.183, 210.566, 452.340,  
2   454.390, 454.440, 454.455, 454.460, 454.470, 454.480, 454.496,  
3   454.511, 454.810, and 511.350, RSMo, are repealed and twelve new  
4   sections enacted in lieu thereof, to be known as sections  
5   210.145, 210.183, 210.566, 452.340, 454.390, 454.440, 454.455,  
6   454.460, 454.470, 454.496, 454.511, and 511.350, to read as  
7   follows:

8           210.145. 1. The division shall develop protocols which  
9   give priority to:

10           (1) Ensuring the well-being and safety of the child in  
11   instances where child abuse or neglect has been alleged;

12           (2) Promoting the preservation and reunification of  
13   children and families consistent with state and federal law;

14           (3) Providing due process for those accused of child abuse  
15   or neglect; and

16           (4) Maintaining an information system operating at all

1 times, capable of receiving and maintaining reports. This  
2 information system shall have the ability to receive reports over  
3 a single, statewide toll-free number. Such information system  
4 shall maintain the results of all investigations, family  
5 assessments and services, and other relevant information.

6 2. The division shall utilize structured decision-making  
7 protocols for classification purposes of all child abuse and  
8 neglect reports. The protocols developed by the division shall  
9 give priority to ensuring the well-being and safety of the child.  
10 All child abuse and neglect reports shall be initiated within  
11 twenty-four hours and shall be classified based upon the reported  
12 risk and injury to the child. The division shall promulgate  
13 rules regarding the structured decision-making protocols to be  
14 utilized for all child abuse and neglect reports.

15 3. Upon receipt of a report, the division shall determine  
16 if the report merits investigation, including reports which if  
17 true would constitute a suspected violation of any of the  
18 following: section 565.020, 565.021, 565.023, 565.024, or  
19 565.050, RSMo, if the victim is a child less than eighteen years  
20 of age, section 566.030 or 566.060, RSMo, if the victim is a  
21 child less than eighteen years of age, or other crimes under  
22 chapter 566, RSMo, if the victim is a child less than eighteen  
23 years of age and the perpetrator is twenty-one years of age or  
24 older, section 567.050, RSMo, if the victim is a child less than  
25 eighteen years of age, section 568.020, 568.030, 568.045,  
26 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025,  
27 573.035, 573.037, or 573.040, RSMo, or an attempt to commit any  
28 such crimes. The division shall immediately communicate all

1 reports that merit investigation to its appropriate local office  
2 and any relevant information as may be contained in the  
3 information system. The local division staff shall determine,  
4 through the use of protocols developed by the division, whether  
5 an investigation or the family assessment and services approach  
6 should be used to respond to the allegation. The protocols  
7 developed by the division shall give priority to ensuring the  
8 well-being and safety of the child.

9 4. The local office shall contact the appropriate law  
10 enforcement agency immediately upon receipt of a report which  
11 division personnel determine merits an investigation and provide  
12 such agency with a detailed description of the report received.  
13 In such cases the local division office shall request the  
14 assistance of the local law enforcement agency in all aspects of  
15 the investigation of the complaint. The appropriate law  
16 enforcement agency shall either assist the division in the  
17 investigation or provide the division, within twenty-four hours,  
18 an explanation in writing detailing the reasons why it is unable  
19 to assist.

20 5. The local office of the division shall cause an  
21 investigation or family assessment and services approach to be  
22 initiated in accordance with the protocols established in  
23 subsection 2 of this section, except in cases where the sole  
24 basis for the report is educational neglect. If the report  
25 indicates that educational neglect is the only complaint and  
26 there is no suspicion of other neglect or abuse, the  
27 investigation shall be initiated within seventy-two hours of  
28 receipt of the report. If the report indicates the child is in

1 danger of serious physical harm or threat to life, an  
2 investigation shall include direct observation of the subject  
3 child within twenty-four hours of the receipt of the report.  
4 Local law enforcement shall take all necessary steps to  
5 facilitate such direct observation. If the parents of the child  
6 are not the alleged abusers, a parent of the child must be  
7 notified prior to the child being interviewed by the division.  
8 If the abuse is alleged to have occurred in a school or  
9 child-care facility the division shall not meet with the child in  
10 any school building or child-care facility building where abuse  
11 of such child is alleged to have occurred. When the child is  
12 reported absent from the residence, the location and the  
13 well-being of the child shall be verified. For purposes of this  
14 subsection, "child-care facility" shall have the same meaning as  
15 such term is defined in section 210.201.

16 6. The director of the division shall name at least one  
17 chief investigator for each local division office, who shall  
18 direct the division response on any case involving a second or  
19 subsequent incident regarding the same subject child or  
20 perpetrator. The duties of a chief investigator shall include  
21 verification of direct observation of the subject child by the  
22 division and shall ensure information regarding the status of an  
23 investigation is provided to the public school district liaison.  
24 The public school district liaison shall develop protocol in  
25 conjunction with the chief investigator to ensure information  
26 regarding an investigation is shared with appropriate school  
27 personnel. The superintendent of each school district shall  
28 designate a specific person or persons to act as the public

1 school district liaison. Should the subject child attend a  
2 nonpublic school the chief investigator shall notify the school  
3 principal of the investigation. Upon notification of an  
4 investigation, all information received by the public school  
5 district liaison or the school shall be subject to the provisions  
6 of the federal Family Educational Rights and Privacy Act (FERPA),  
7 20 U.S.C., Section 1232g, and federal rule 34 C.F.R., Part 99.

8 7. The investigation shall include but not be limited to  
9 the nature, extent, and cause of the abuse or neglect; the  
10 identity and age of the person responsible for the abuse or  
11 neglect; the names and conditions of other children in the home,  
12 if any; the home environment and the relationship of the subject  
13 child to the parents or other persons responsible for the child's  
14 care; any indication of incidents of physical violence against  
15 any other household or family member; and other pertinent data.

16 8. When a report has been made by a person required to  
17 report under section 210.115, the division shall contact the  
18 person who made such report within forty-eight hours of the  
19 receipt of the report in order to ensure that full information  
20 has been received and to obtain any additional information or  
21 medical records, or both, that may be pertinent.

22 9. Upon completion of the investigation, if the division  
23 suspects that the report was made maliciously or for the purpose  
24 of harassment, the division shall refer the report and any  
25 evidence of malice or harassment to the local prosecuting or  
26 circuit attorney.

27 10. Multidisciplinary teams shall be used whenever  
28 conducting the investigation as determined by the division in

1 conjunction with local law enforcement. Multidisciplinary teams  
2 shall be used in providing protective or preventive social  
3 services, including the services of law enforcement, a liaison of  
4 the local public school, the juvenile officer, the juvenile  
5 court, and other agencies, both public and private.

6 11. For all family support team meetings involving an  
7 alleged victim of child abuse or neglect, the parents, legal  
8 counsel for the parents, foster parents, the legal guardian or  
9 custodian of the child, the guardian ad litem for the child, and  
10 the volunteer advocate for the child shall be provided notice and  
11 be permitted to attend all such meetings. Family members, other  
12 than alleged perpetrators, or other community informal or formal  
13 service providers that provide significant support to the child  
14 and other individuals may also be invited at the discretion of  
15 the parents of the child. In addition, the parents, the legal  
16 counsel for the parents, the legal guardian or custodian and the  
17 foster parents may request that other individuals, other than  
18 alleged perpetrators, be permitted to attend such team meetings.  
19 Once a person is provided notice of or attends such team  
20 meetings, the division or the convenor of the meeting shall  
21 provide such persons with notice of all such subsequent meetings  
22 involving the child. Families may determine whether individuals  
23 invited at their discretion shall continue to be invited.

24 12. If the appropriate local division personnel determine  
25 after an investigation has begun that completing an investigation  
26 is not appropriate, the division shall conduct a family  
27 assessment and services approach. The division shall provide  
28 written notification to local law enforcement prior to

1 terminating any investigative process. The reason for the  
2 termination of the investigative process shall be documented in  
3 the record of the division and the written notification submitted  
4 to local law enforcement. Such notification shall not preclude  
5 nor prevent any investigation by law enforcement.

6 13. If the appropriate local division personnel determines  
7 to use a family assessment and services approach, the division  
8 shall:

9 (1) Assess any service needs of the family. The assessment  
10 of risk and service needs shall be based on information gathered  
11 from the family and other sources;

12 (2) Provide services which are voluntary and time-limited  
13 unless it is determined by the division based on the assessment  
14 of risk that there will be a high risk of abuse or neglect if the  
15 family refuses to accept the services. The division shall  
16 identify services for families where it is determined that the  
17 child is at high risk of future abuse or neglect. The division  
18 shall thoroughly document in the record its attempt to provide  
19 voluntary services and the reasons these services are important  
20 to reduce the risk of future abuse or neglect to the child. If  
21 the family continues to refuse voluntary services or the child  
22 needs to be protected, the division may commence an  
23 investigation;

24 (3) Commence an immediate investigation if at any time  
25 during the family assessment and services approach the division  
26 determines that an investigation, as delineated in sections  
27 210.109 to 210.183, is required. The division staff who have  
28 conducted the assessment may remain involved in the provision of

1 services to the child and family;

2 (4) Document at the time the case is closed, the outcome of  
3 the family assessment and services approach, any service provided  
4 and the removal of risk to the child, if it existed.

5 14. Within thirty days of an oral report of abuse or  
6 neglect, the local office shall update the information in the  
7 information system. The information system shall contain, at a  
8 minimum, the determination made by the division as a result of  
9 the investigation, identifying information on the subjects of the  
10 report, those responsible for the care of the subject child and  
11 other relevant dispositional information. The division shall  
12 complete all investigations within thirty days, unless good cause  
13 for the failure to complete the investigation is documented in  
14 the information system. If a child involved in a pending  
15 investigation dies, the investigation shall remain open until the  
16 division's investigation surrounding the death is completed. If  
17 the investigation is not completed within thirty days, the  
18 information system shall be updated at regular intervals and upon  
19 the completion of the investigation. The information in the  
20 information system shall be updated to reflect any subsequent  
21 findings, including any changes to the findings based on an  
22 administrative or judicial hearing on the matter.

23 15. A person required to report under section 210.115 to  
24 the division and any person making a report of child abuse or  
25 neglect made to the division which is not made anonymously shall  
26 be informed by the division of his or her right to obtain  
27 information concerning the disposition of his or her report.  
28 Such person shall receive, from the local office, if requested,



1 information on the general disposition of his or her report.  
2 Such person may receive, if requested, findings and information  
3 concerning the case. Such release of information shall be at the  
4 discretion of the director based upon a review of the reporter's  
5 ability to assist in protecting the child or the potential harm  
6 to the child or other children within the family. The local  
7 office shall respond to the request within forty-five days. The  
8 findings shall be made available to the reporter within five days  
9 of the outcome of the investigation. If the report is determined  
10 to be unsubstantiated, the reporter may request that the report  
11 be referred by the division to the office of child advocate for  
12 children's protection and services established in sections 37.700  
13 to 37.730, RSMo. Upon request by a reporter under this  
14 subsection, the division shall refer an unsubstantiated report of  
15 child abuse or neglect to the office of child advocate for  
16 children's protection and services.

17 16. In any judicial proceeding involving the custody of a  
18 child the fact that a report may have been made pursuant to  
19 sections 210.109 to 210.183 shall not be admissible. However:

20 (1) Nothing in this subsection shall prohibit the  
21 introduction of evidence from independent sources to support the  
22 allegations that may have caused a report to have been made; and

23 (2) The court may on its own motion, or shall if requested  
24 by a party to the proceeding, make an inquiry not on the record  
25 with the children's division to determine if such a report has  
26 been made. If a report has been made, the court may stay the  
27 custody proceeding until the children's division completes its  
28 investigation.

1           17. In any judicial proceeding involving the custody of a  
2 child where the court determines that the child is in need of  
3 services pursuant to subdivision (d) of subsection 1 of section  
4 211.031, RSMo, and has taken jurisdiction, the child's parent,  
5 guardian or custodian shall not be entered into the registry.

6           18. The children's division is hereby granted the authority  
7 to promulgate rules and regulations pursuant to the provisions of  
8 section 207.021, RSMo, and chapter 536, RSMo, to carry out the  
9 provisions of sections 210.109 to 210.183.

10           19. Any rule or portion of a rule, as that term is defined  
11 in section 536.010, RSMo, that is created under the authority  
12 delegated in this section shall become effective only if it  
13 complies with and is subject to all of the provisions of chapter  
14 536, RSMo, and, if applicable, section 536.028, RSMo. This  
15 section and chapter 536, RSMo, are nonseverable and if any of the  
16 powers vested with the general assembly pursuant to chapter 536,  
17 RSMo, to review, to delay the effective date or to disapprove and  
18 annul a rule are subsequently held unconstitutional, then the  
19 grant of rulemaking authority and any rule proposed or adopted  
20 after August 28, 2000, shall be invalid and void.

21           210.183. 1. At the time of the initial investigation of a  
22 report of child abuse or neglect, the division employee  
23 conducting the investigation shall provide the alleged  
24 perpetrator with a written description of the investigation  
25 process. Such written notice shall be given substantially in the  
26 following form:

27           "The investigation is being undertaken by the Children's  
28 Division pursuant to the requirements of chapter 210 of the

1 Revised Missouri Statutes in response to a report of child abuse  
2 or neglect.

3 The identity of the person who reported the incident of  
4 abuse or neglect is confidential and may not even be known to the  
5 Division since the report could have been made anonymously.

6 This investigation is required by law to be conducted in  
7 order to enable the Children's Division to identify incidents of  
8 abuse or neglect in order to provide protective or preventive  
9 social services to families who are in need of such services.

10 The division shall make every reasonable attempt to complete  
11 the investigation within thirty days, except if a child involved  
12 in the pending investigation dies, the investigation shall remain  
13 open until the division's investigation surrounding the death is  
14 completed. Otherwise, within ninety days you will receive a  
15 letter from the Division which will inform you of one of the  
16 following:

17 (1) That the Division has found insufficient evidence of  
18 abuse or neglect; or

19 (2) That there appears to be by a preponderance of the  
20 evidence reason to suspect the existence of child abuse or  
21 neglect in the judgment of the Division and that the Division  
22 will contact the family to offer social services.

23 If the Division finds by a preponderance of the evidence  
24 reason to believe child abuse or neglect has occurred or the case  
25 is substantiated by court adjudication, a record of the report  
26 and information gathered during the investigation will remain on  
27 file with the Division.

28 If you disagree with the determination of the Division and

1 feel that there is insufficient reason to believe by a  
2 preponderance of the evidence that abuse or neglect has occurred,  
3 you have a right to request an administrative review at which  
4 time you may hire an attorney to represent you. If you request  
5 an administrative review on the issue, you will be notified of  
6 the date and time of your administrative review hearing by the  
7 child abuse and neglect review board. If the Division's decision  
8 is reversed by the child abuse and neglect review board, the  
9 Division records concerning the report and investigation will be  
10 updated to reflect such finding. If the child abuse and neglect  
11 review board upholds the Division's decision, an appeal may be  
12 filed in circuit court within sixty days of the child abuse and  
13 neglect review board's decision."

14 2. If the division uses the family assessment approach, the  
15 division shall at the time of the initial contact provide the  
16 parent of the child with the following information:

17 (1) The purpose of the contact with the family;

18 (2) The name of the person responding and his or her office  
19 telephone number;

20 (3) The assessment process to be followed during the  
21 division's intervention with the family including the possible  
22 services available and expectations of the family.

23 210.566. 1. (1) The children's division [of family  
24 services] and its contractors, recognizing that foster parents  
25 are not clients but rather are colleagues in the child welfare  
26 team, shall treat foster parents [with courtesy, respect and  
27 consideration] in a manner consistent with the National  
28 Association of Social Workers' ethical standards of conduct as

1 described in its Social Workers' Ethical Responsibilities to  
2 Colleagues. Foster parents shall treat the children in their  
3 care, the child's birth family and members of the child welfare  
4 team [with courtesy, respect and consideration] in a manner  
5 consistent with their ethical responsibilities as professional  
6 team members.

7 (2) The children's division and its contractors shall  
8 provide written notification of the rights enumerated in this  
9 section at the time of initial licensure and at the time of each  
10 licensure renewal following the initial licensure period.

11 2. (1) The children's division [of family services] and  
12 its contractors shall provide foster parents with regularly  
13 scheduled opportunities for preservice training, [preservice] and  
14 regularly scheduled opportunities for pertinent inservice[, and  
15 support] training, as determined by the Missouri State Foster  
16 Care and Adoption Advisory Board.

17 (2) The children's division [of family services] and its  
18 contractors shall [share] provide to foster parents and potential  
19 adoptive parents, prior to placement, all pertinent information  
20 [about the child and the child's family], including but not  
21 limited to[, the case plan with the foster parents to assist in  
22 determining if a child would be a proper placement. The division  
23 of family services and its contractors shall inform the foster  
24 parents of issues relative to the child that may jeopardize the  
25 health or safety of the foster family] full disclosure of all  
26 medical, psychological, and psychiatric conditions of the child,  
27 as well as information from previous placements that would  
28 indicate that the child or children may have a propensity to

1 cause violence to any member of the foster family home. The  
2 foster parents shall be provided with any information regarding  
3 the child or the child's family, including but not limited to the  
4 case plan, any family history of mental or physical illness,  
5 sexual abuse of the child or sexual abuse perpetrated by the  
6 child, criminal background of the child or the child's family,  
7 fire-setting or other destructive behavior by the child,  
8 substance abuse by the child or child's family, or any other  
9 information which is pertinent to the care and needs of the child  
10 and to protect the foster or adoptive family. Knowingly  
11 providing false or misleading information to foster parents in  
12 order to secure placement shall be denoted in the caseworker's  
13 personnel file and shall be kept on record by the division.

14       (3) The children's division [of family services] and its  
15 contractors shall arrange preplacement visits, except in  
16 emergencies.

17       (4) The foster parents may ask questions about the child's  
18 case plan, encourage a placement or refuse a placement without  
19 reprisal from the caseworker or agency. After a placement, the  
20 children's division [of family services] and its contractors  
21 shall update the foster parents as new information about the  
22 child is gathered.

23       (5) Foster parents shall be informed in a timely manner by  
24 the children's division and its contractors of [upcoming] all  
25 team meetings and staffings concerning their licensure status or  
26 children placed in their homes, and shall be allowed to  
27 participate, consistent with section 210.761.

28       (6) The children's division [of family services] and its

1 contractors shall establish reasonably accessible respite care  
2 for children in foster care for short periods of time, jointly  
3 determined by foster parents and the child's caseworker pursuant  
4 to section 210.545. Foster parents shall follow all procedures  
5 established by the children's division and its contractors for  
6 requesting and using respite care.

7        [(2)] (7) Foster parents shall treat all information  
8 received from the children's division [of family services] and  
9 its contractors about the child and the child's family as  
10 confidential. Information necessary for the medical or  
11 psychiatric care of the child may be provided to the appropriate  
12 practitioners. Foster parents may share information necessary  
13 with school personnel in order to secure a safe and appropriate  
14 education for the child. Additionally, foster parents [may]  
15 shall share information they may learn about the child and the  
16 child's family, and concerns that arise in the care of the child,  
17 with the caseworker and other members of the child welfare team.  
18 Recognizing that placement changes are difficult for children,  
19 foster parents shall seek all necessary information, and  
20 participate in preplacement visits whenever possible, before  
21 deciding whether to accept a child for placement. [Foster  
22 parents shall follow all procedures defined by the division of  
23 family services for requesting and using respite care.]

24        3. (1) Foster parents shall make decisions about the daily  
25 living concerns of the child, and shall be permitted to continue  
26 the practice of their own family values and routines while  
27 respecting the child's cultural heritage. All discipline shall  
28 be consistent with state laws and regulations. The children's

1 division [of family services] shall allow foster parents to help  
2 plan visitation between the child and the child's siblings or  
3 biological family. Visitations should be scheduled at a time  
4 that meets the needs of the child, the biological family members,  
5 and the foster family whenever possible. Recognizing that  
6 visitation with family members is an important right of children  
7 in foster care, foster parents shall be flexible and cooperative  
8 with regard to family visits.

9 (2) Foster parents shall provide care that is respectful of  
10 the child's cultural identity and needs. Recognizing that  
11 cultural competence can be learned, the children's division and  
12 their contractors shall provide foster parents with training that  
13 specifically addresses cultural needs of children, including but  
14 not limited to, information on skin and hair care, information on  
15 any specific religious or cultural practices of the child's  
16 biological family, and referrals to community resources for  
17 ongoing education and support.

18 (3) Foster parents shall recognize that the purpose of  
19 discipline is to teach and direct the behavior of the child, and  
20 ensure that it is administered in a humane and sensitive manner.  
21 [Recognizing that visitation with family members is an important  
22 right, foster parents shall be flexible and cooperative in regard  
23 to family visits.] Foster parents shall use discipline methods  
24 which are consistent with children's division policy.

25 4. (1) Consistent with state laws and regulations, the  
26 [state may] children's division and its contractors shall  
27 provide, upon request by the foster parents, information about a  
28 child's progress after the child leaves foster care.



1       (2) Except in emergencies, foster parents shall be given  
2       two weeks advance notice [consistent with division policy,] and a  
3       written statement of the reasons before a child is removed from  
4       their care. When requesting removal of a child from their home,  
5       foster parents shall give two weeks advance notice, consistent  
6       with division policy, to the child's caseworker, except in  
7       emergency situations.

8       (3) Recognizing the critical nature of attachment for  
9       children, if a child reenters the foster care system and is not  
10      placed in a relative home, the child's former foster parents  
11      shall be [considered as a placement option] given first  
12      consideration for placement of the child.

13      (4) If a child becomes free for adoption while in foster  
14      care, the child's foster family shall be given preferential  
15      consideration as adoptive parents consistent with section  
16      453.070, RSMo.

17      [(2)] (5) [Confidentiality rights of the child and the  
18      child's parents shall be respected and maintained. Foster  
19      parents shall inform the child's caseworker of their interest if  
20      a child reenters the system.] If a foster child becomes free for  
21      adoption and the foster parents desire to adopt the child, they  
22      shall inform the caseworker [in a timely manner] within sixty  
23      days of the caseworker's initial query. If they do not choose to  
24      pursue adoption, foster parents shall make every effort to  
25      support and encourage the child's placement in a permanent home,  
26      including but not limited to providing information on the history  
27      and care needs of the child and accommodating transitional  
28      visitation. [When requesting removal of a child from their home,

1 foster parents shall give reasonable advance notice, consistent  
2 with division policy, to the child's caseworker, except in  
3 emergency situations.]

4 5. [(1)] Foster parents shall be informed by the court [in  
5 a timely manner of] no later than two weeks prior to all court  
6 hearings pertaining to a child in their care, and informed of  
7 their right to attend and participate, consistent with section  
8 211.464, RSMo.

9 [(2) Foster parents shall share any concerns regarding the  
10 case plan for a child in their care with the child's caseworker,  
11 as well as other members of the child welfare team, in a timely  
12 manner.]

13 6. The children's division and their contractors shall  
14 provide access to a fair and impartial grievance process to  
15 address licensure, case management decisions, and delivery of  
16 service issues. Foster parents shall have timely access to the  
17 child placement agency's appeals process, and shall be free from  
18 acts of retaliation when exercising the right to appeal.

19 7. The children's division and their contractors shall  
20 provide training to foster parents on the policies and procedures  
21 governing the licensure of foster homes, the provision of foster  
22 care, and the adoption process. Foster parents shall, upon  
23 request, be provided with written documentation of the policies  
24 of the children's division and their contractors [know and follow  
25 the policies of the division of family services, including the  
26 appeals procedure]. Per licensure requirements, foster parents  
27 shall comply with the policies of the child placement agency.

28 8. For purposes of this section, "foster parent" means a

1 resource family providing care of children in state custody.

2 452.340. 1. In a proceeding for dissolution of marriage,  
3 legal separation or child support, the court may order either or  
4 both parents owing a duty of support to a child of the marriage  
5 to pay an amount reasonable or necessary for the support of the  
6 child, including an award retroactive to the date of filing the  
7 petition, without regard to marital misconduct, after considering  
8 all relevant factors including:

9 (1) The financial needs and resources of the child;

10 (2) The financial resources and needs of the parents;

11 (3) The standard of living the child would have enjoyed had  
12 the marriage not been dissolved;

13 (4) The physical and emotional condition of the child, and  
14 the child's educational needs;

15 (5) The child's physical and legal custody arrangements,  
16 including the amount of time the child spends with each parent  
17 and the reasonable expenses associated with the custody or  
18 visitation arrangements; and

19 (6) The reasonable work-related child care expenses of each  
20 parent.

21 2. The obligation of the parent ordered to make support  
22 payments shall abate, in whole or in part, for such periods of  
23 time in excess of thirty consecutive days that the other parent  
24 has voluntarily relinquished physical custody of a child to the  
25 parent ordered to pay child support, notwithstanding any periods  
26 of visitation or temporary physical and legal or physical or  
27 legal custody pursuant to a judgment of dissolution or legal  
28 separation or any modification thereof. In a IV-D case, the

1 family support division [of child support enforcement] may  
2 determine the amount of the abatement pursuant to this subsection  
3 for any child support order and shall record the amount of  
4 abatement in the automated child support system record  
5 established pursuant to chapter 454, RSMo. If the case is not a  
6 IV-D case and upon court order, the circuit clerk shall record  
7 the amount of abatement in the automated child support system  
8 record established in chapter 454, RSMo.

9 3. Unless the circumstances of the child manifestly dictate  
10 otherwise and the court specifically so provides, the obligation  
11 of a parent to make child support payments shall terminate when  
12 the child:

13 (1) Dies;

14 (2) Marries;

15 (3) Enters active duty in the military;

16 (4) Becomes self-supporting, provided that the custodial  
17 parent has relinquished the child from parental control by  
18 express or implied consent;

19 (5) Reaches age eighteen, unless the provisions of  
20 subsection 4 or 5 of this section apply; or

21 (6) Reaches age [twenty-two] twenty-one, unless the  
22 provisions of the child support order specifically extend the  
23 parental support order past the child's [twenty-second] twenty-  
24 first birthday for reasons provided by subsection 4 of this  
25 section.

26 4. If the child is physically or mentally incapacitated  
27 from supporting himself and insolvent and unmarried, the court  
28 may extend the parental support obligation past the child's

1 eighteenth birthday.

2         5. If when a child reaches age eighteen, the child is  
3 enrolled in and attending a secondary school program of  
4 instruction, the parental support obligation shall continue, if  
5 the child continues to attend and progresses toward completion of  
6 said program, until the child completes such program or reaches  
7 age twenty-one, whichever first occurs. If the child is enrolled  
8 in an institution of vocational or higher education not later  
9 than October first following graduation from a secondary school  
10 or completion of a graduation equivalence degree program and so  
11 long as the child enrolls for and completes at least twelve hours  
12 of credit each semester, not including the summer semester, at an  
13 institution of vocational or higher education and achieves grades  
14 sufficient to reenroll at such institution, the parental support  
15 obligation shall continue until the child completes his or her  
16 education, or until the child reaches the age of [twenty-two]  
17 twenty-one, whichever first occurs. To remain eligible for such  
18 continued parental support, at the beginning of each semester the  
19 child shall submit to each parent a transcript or similar  
20 official document provided by the institution of vocational or  
21 higher education which includes the courses the child is enrolled  
22 in and has completed for each term, the grades and credits  
23 received for each such course, and an official document from the  
24 institution listing the courses which the child is enrolled in  
25 for the upcoming term and the number of credits for each such  
26 course. When enrolled in at least twelve credit hours, if the  
27 child receives failing grades in half or more of his or her  
28 courseload in any one semester, payment of child support may be

1 terminated and shall not be eligible for reinstatement. Upon  
2 request for notification of the child's grades by the  
3 noncustodial parent, the child shall produce the required  
4 documents to the noncustodial parent within thirty days of  
5 receipt of grades from the education institution. If the child  
6 fails to produce the required documents, payment of child support  
7 may terminate without the accrual of any child support arrearage  
8 and shall not be eligible for reinstatement. If the  
9 circumstances of the child manifestly dictate, the court may  
10 waive the October first deadline for enrollment required by this  
11 subsection. [If the child has pursued a path of continuous  
12 attendance and has demonstrated evidence of a plan to continue to  
13 do so, the court may enter a judgment abating support for a  
14 period of up to five months for any semester in which the child  
15 completes at least six but less than twelve credit hours;  
16 however, such five-month period of abatement shall only be  
17 granted one time for each child.] If the child is enrolled in  
18 such an institution, the child or parent obligated to pay support  
19 may petition the court to amend the order to direct the obligated  
20 parent to make the payments directly to the child. As used in  
21 this section, an "institution of vocational education" means any  
22 postsecondary training or schooling for which the student is  
23 assessed a fee and attends classes regularly. "Higher education"  
24 means any junior college, community college, college, or  
25 university at which the child attends classes regularly. A child  
26 who has been diagnosed with a [learning] developmental  
27 disability, as defined in section 630.005, RSMo, or whose  
28 physical disability or diagnosed health problem limits the

1 child's ability to carry the number of credit hours prescribed in  
2 this subsection, shall remain eligible for child support so long  
3 as such child is enrolled in and attending an institution of  
4 vocational or higher education, and the child continues to meet  
5 the other requirements of this subsection. A child who is  
6 employed at least fifteen hours per week during the semester may  
7 take as few as nine credit hours per semester and remain eligible  
8 for child support so long as all other requirements of this  
9 subsection are complied with.

10 6. The court shall consider ordering a parent to waive the  
11 right to claim the tax dependency exemption for a child enrolled  
12 in an institution of vocational or higher education in favor of  
13 the other parent if the application of state and federal tax laws  
14 and eligibility for financial aid will make an award of the  
15 exemption to the other parent appropriate.

16 7. The general assembly finds and declares that it is the  
17 public policy of this state that frequent, continuing and  
18 meaningful contact with both parents after the parents have  
19 separated or dissolved their marriage is in the best interest of  
20 the child except for cases where the court specifically finds  
21 that such contact is not in the best interest of the child. In  
22 order to effectuate this public policy, a court with jurisdiction  
23 shall enforce visitation, custody and child support orders in the  
24 same manner. A court with jurisdiction may abate, in whole or in  
25 part, any past or future obligation of support and may transfer  
26 the physical and legal or physical or legal custody of one or  
27 more children if it finds that a parent has, without good cause,  
28 failed to provide visitation or physical and legal or physical or

1 legal custody to the other parent pursuant to the terms of a  
2 judgment of dissolution, legal separation or modifications  
3 thereof. The court shall also award, if requested and for good  
4 cause shown, reasonable expenses, attorney's fees and court costs  
5 incurred by the prevailing party.

6 8. The Missouri supreme court shall have in effect a rule  
7 establishing guidelines by which any award of child support shall  
8 be made in any judicial or administrative proceeding. Said  
9 guidelines shall contain specific, descriptive and numeric  
10 criteria which will result in a computation of the support  
11 obligation. The guidelines shall address how the amount of child  
12 support shall be calculated when an award of joint physical  
13 custody results in the child or children spending substantially  
14 equal time with both parents. [Not later than October 1, 1998,]  
15 The Missouri supreme court shall publish child support guidelines  
16 and specifically list and explain the relevant factors and  
17 assumptions that were used to calculate the child support  
18 guidelines. Any rule made pursuant to this subsection shall be  
19 reviewed by the promulgating body not less than once every four  
20 years to ensure that its application results in the determination  
21 of appropriate child support award amounts.

22 9. There shall be a rebuttable presumption, in any judicial  
23 or administrative proceeding for the award of child support, that  
24 the amount of the award which would result from the application  
25 of the guidelines established pursuant to subsection 8 of this  
26 section is the correct amount of child support to be awarded. A  
27 written finding or specific finding on the record in a judicial  
28 or administrative proceeding that the application of the



1 guidelines would be unjust or inappropriate in a particular case,  
2 after considering all relevant factors, including the factors set  
3 out in subsection 1 of this section, is required if requested by  
4 a party and shall be sufficient to rebut the presumption in the  
5 case. The written finding or specific finding on the record  
6 shall detail the specific relevant factors that required a  
7 deviation from the application of the guidelines.

8 10. Pursuant to this or any other chapter, when a court  
9 determines the amount owed by a parent for support provided to a  
10 child by another person, other than a parent, prior to the date  
11 of filing of a petition requesting support, or when the director  
12 of the family support division [of child support enforcement]  
13 establishes the amount of state debt due pursuant to subdivision  
14 (2) of subsection 1 of section 454.465, RSMo, the court or  
15 director shall use the guidelines established pursuant to  
16 subsection 8 of this section. The amount of child support  
17 resulting from the application of the guidelines shall be applied  
18 retroactively for a period prior to the establishment of a  
19 support order and the length of the period of retroactivity shall  
20 be left to the discretion of the court or director. There shall  
21 be a rebuttable presumption that the amount resulting from  
22 application of the guidelines under subsection 8 of this section  
23 constitutes the amount owed by the parent for the period prior to  
24 the date of the filing of the petition for support or the period  
25 for which state debt is being established. In applying the  
26 guidelines to determine a retroactive support amount, when  
27 information as to average monthly income is available, the court  
28 or director may use the average monthly income of the

1 noncustodial parent, as averaged over the period of  
2 retroactivity, in determining the amount of presumed child  
3 support owed for the period of retroactivity. The court or  
4 director may enter a different amount in a particular case upon  
5 finding, after consideration of all relevant factors, including  
6 the factors set out in subsection 1 of this section, that there  
7 is sufficient cause to rebut the presumed amount.

8 11. The obligation of a parent to make child support  
9 payments may be terminated as follows:

10 (1) Provided that the child support order contains the  
11 child's date of birth, the obligation shall be deemed terminated  
12 without further judicial or administrative process when the child  
13 reaches age [twenty-two] twenty-one if the child support order  
14 does not specifically require payment of child support beyond age  
15 [twenty-two] twenty-one for reasons provided by subsection 4 of  
16 this section;

17 (2) The obligation shall be deemed terminated without  
18 further judicial or administrative process when the parent  
19 receiving child support furnishes a sworn statement or affidavit  
20 notifying the obligor parent of the child's emancipation in  
21 accordance with the requirements of subsection 4 of section  
22 452.370, and a copy of such sworn statement or affidavit is filed  
23 with the court which entered the order establishing the child  
24 support obligation, or the division of child support enforcement;

25 (3) The obligation shall be deemed terminated without  
26 further judicial or administrative process when the parent paying  
27 child support files a sworn statement or affidavit with the court  
28 which entered the order establishing the child support

1 obligation, or the family support division [of child support  
2 enforcement], stating that the child is emancipated and reciting  
3 the factual basis for such statement; which statement or  
4 affidavit is served by the court or division on the child support  
5 obligee; and which is either acknowledged and affirmed by the  
6 child support obligee in writing, or which is not responded to in  
7 writing within thirty days of receipt by the child support  
8 obligee;

9 (4) The obligation shall be terminated as provided by this  
10 subdivision by the court which entered the order establishing the  
11 child support obligation, or the family support division [of  
12 child support enforcement], when the parent paying child support  
13 files a sworn statement or affidavit with the court which entered  
14 the order establishing the child support obligation, or the  
15 family support division [of child support enforcement], stating  
16 that the child is emancipated and reciting the factual basis for  
17 such statement; and which statement or affidavit is served by the  
18 court or division on the child support obligee. If the obligee  
19 denies the statement or affidavit, the court or division shall  
20 thereupon treat the sworn statement or affidavit as a motion to  
21 modify the support obligation pursuant to section 452.370 or  
22 section 454.496, RSMo, and shall proceed to hear and adjudicate  
23 such motion as provided by law; provided that the court may  
24 require the payment of a deposit as security for court costs and  
25 any accrued court costs, as provided by law, in relation to such  
26 motion to modify.

27 12. The court may enter a judgment terminating child  
28 support pursuant to subdivisions (1) to (3) of subsection 11 of

1 this section without necessity of a court appearance by either  
2 party. The clerk of the court shall mail a copy of a judgment  
3 terminating child support entered pursuant to subsection 11 of  
4 this section on both the obligor and obligee parents. The  
5 supreme court may promulgate uniform forms for sworn statements  
6 and affidavits to terminate orders of child support obligations  
7 for use pursuant to subsection 11 of this section and subsection  
8 4 of section 452.370.

9 454.390. The division shall use high-volume automated  
10 administrative enforcement, to the same extent as used in  
11 intrastate cases, in response to a request made by another state  
12 child support agency to enforce a support order and promptly  
13 report the results to the requesting state. If the division  
14 provides assistance to another state in such a case, neither this  
15 state nor the requesting state shall consider the case to be  
16 transferred to its caseload[; however], but the division may  
17 establish a corresponding case based on such other state's  
18 request for assistance. The division shall maintain records of  
19 the number of such interstate requests for assistance, the number  
20 of cases for which support was collected and the amounts of such  
21 collections. The division is authorized to transmit to another  
22 state, by electronic or other means, a request for assistance in  
23 a case involving the enforcement of a support order. Such  
24 request shall:

25 (1) Include information to enable the receiving state to  
26 compare the information about the case to the information in  
27 state databases; and

28 (2) Constitute a certification by the division of the

1     arrearage amount under the order and that the division has  
2     complied with all applicable procedural due process requirements  
3     as provided for in this chapter.

4             454.440. 1. As used in this section, unless the context  
5     clearly indicates otherwise, the following terms mean:

6             (1) "Business" includes any corporation, partnership,  
7     association, individual, and labor or other organization  
8     including, but not limited to, a public utility or cable company;

9             (2) "Division", the Missouri division of child support  
10    enforcement of the department of social services;

11            (3) "Financial entity" includes any bank, trust company,  
12    savings and loan association, credit union, insurance company, or  
13    any corporation, association, partnership, or individual  
14    receiving or accepting money or its equivalent on deposit as a  
15    business;

16            (4) "Government agency", any department, board, bureau or  
17    other agency of this state or any political subdivision of the  
18    state;

19            (5) "Information" includes, but is not necessarily limited  
20    to, the following items:

21            (a) Full name of the parent;

22            (b) Social Security number of the parent;

23            (c) Date of birth of the parent;

24            (d) Last known mailing and residential address of the  
25    parent;

26            (e) Amount of wages, salaries, earnings or commissions  
27    earned by or paid to the parent;

28            (f) Number of dependents declared by the parent on state

1 and federal tax information and reporting forms;

2 (g) Name of company, policy numbers and dependent coverage  
3 for any medical insurance carried by or on behalf of the parent;

4 (h) Name of company, policy numbers and cash values, if  
5 any, for any life insurance policies or annuity contracts,  
6 carried by or on behalf of, or owned by, the parent;

7 (i) Any retirement benefits, pension plans or stock  
8 purchase plans maintained on behalf of, or owned by, the parent  
9 and the values thereof, employee contributions thereto, and the  
10 extent to which each benefit or plan is vested;

11 (j) Vital statistics, including records of marriage, birth  
12 or divorce;

13 (k) Tax and revenue records, including information on  
14 residence address, employer, income or assets;

15 (l) Records concerning real or personal property;

16 (m) Records of occupational, professional or recreational  
17 licenses or permits;

18 (n) Records concerning the ownership and control of  
19 corporations, partnerships or other businesses;

20 (o) Employment security records;

21 (p) Records concerning motor vehicles;

22 (q) Records of assets or liabilities;

23 (r) Corrections records;

24 (s) Names and addresses of employers of parents;

25 (t) Motor vehicle records; and

26 (u) Law enforcement records;

27 (6) "Parent", a biological or adoptive parent, including a  
28 presumed or putative father. The word "parent" shall also

1 include any person who has been found to be such by:

2 (a) A court of competent jurisdiction in an action for  
3 dissolution of marriage, legal separation, or establishment of  
4 the parent and child relationship;

5 (b) The division under section 454.485;

6 (c) Operation of law under section 210.823, RSMo; or

7 (d) A court or administrative tribunal of another state.

8 2. For the purpose of locating and determining financial  
9 resources of the parents relating to establishment of paternity  
10 or to establish, modify or enforce support orders, the division  
11 or other state IV-D agency may request and receive information  
12 from the federal Parent Locator Service, from available records  
13 in other states, territories and the District of Columbia, from  
14 the records of all government agencies, and from businesses and  
15 financial entities. A request for information from a public  
16 utility or cable television company shall be made by subpoena  
17 authorized pursuant to this chapter. The government agencies,  
18 businesses, and financial entities shall provide information, if  
19 known or chronicled in their business records, notwithstanding  
20 any other provision of law making the information confidential.  
21 In addition, the division may use all sources of information and  
22 available records and, pursuant to agreement with the secretary  
23 of the United States Department of Health and Human Services, or  
24 the secretary's designee, request and receive from the federal  
25 Parent Locator Service information pursuant to 42 U.S.C. Sections  
26 653 and 663, to determine the whereabouts of any parent or child  
27 when such information is to be used to locate the parent or child  
28 to enforce any state or federal law with respect to the unlawful

1 taking or restraining of a child, or of making or enforcing a  
2 child custody or visitation order.

3 3. Notwithstanding the provisions of subsection 2 of this  
4 section, no financial entity shall be required to provide the  
5 information requested by the division or other state IV-D agency  
6 unless the division or other state IV-D agency alleges that the  
7 parent about whom the information is sought is an officer, agent,  
8 member, employee, depositor, customer or the insured of the  
9 financial institution, or unless the division or other state IV-D  
10 agency has complied with the provisions of section 660.330, RSMo.

11 4. Any business or financial entity which has received a  
12 request from the division or other state IV-D agency as provided  
13 by subsections 2 and 3 of this section shall provide the  
14 requested information or a statement that any or all of the  
15 requested information is not known or available to the business  
16 or financial entity, within sixty days of receipt of the request  
17 and shall be liable to the state for civil penalties up to one  
18 hundred dollars for each day after such sixty-day period in which  
19 it fails to provide the information so requested. Upon request  
20 of the division or other state IV-D agency, the attorney general  
21 shall bring an action in a circuit court of competent  
22 jurisdiction to recover the civil penalty. The court shall have  
23 the authority to determine the amount of the civil penalty to be  
24 assessed.

25 5. Any business or financial entity, or any officer, agent  
26 or employee of such entity, participating in good faith in  
27 providing information requested pursuant to subsections 2 and 3  
28 of this section shall be immune from liability, civil or



1 criminal, that might otherwise result from the release of such  
2 information to the division.

3 6. Upon request of the division or other state IV-D agency,  
4 any parent shall complete a statement under oath, upon such form  
5 as the division or other state IV-D agency may specify, providing  
6 information, including, but not necessarily limited to, the  
7 parent's monthly income, the parent's total income for the  
8 previous year, the number and name of the parent's dependents and  
9 the amount of support the parent provides to each, the nature and  
10 extent of the parent's assets, and such other information  
11 pertinent to the support of the dependent as the division or  
12 other state IV-D agency may request. Upon request of the  
13 division or other state IV-D agency, such statements shall be  
14 completed annually. Failure to comply with this subsection is a  
15 class A misdemeanor.

16 7. The disclosure of any information provided to the  
17 business or financial entity by the division or other state IV-D  
18 agency, or the disclosure of any information regarding the  
19 identity of any applicant for or recipient of public assistance,  
20 by an officer or employee of any business or financial entity, or  
21 by any person receiving such information from such employee or  
22 officer is prohibited. Any person violating this subsection is  
23 guilty of a class A misdemeanor.

24 8. Any person who willfully requests, obtains or seeks to  
25 obtain information pursuant to this section under false  
26 pretenses, or who willfully communicates or seeks to communicate  
27 such information to any agency or person except pursuant to this  
28 chapter, is guilty of a class A misdemeanor.

1           9. For the protection of applicants and recipients of  
2 services pursuant to sections 454.400 to 454.645, all officers  
3 and employees of, and persons and entities under contract to, the  
4 state of Missouri are prohibited, except as otherwise provided in  
5 this subsection, from disclosing any information obtained by them  
6 in the discharge of their official duties relative to the  
7 identity of applicants for or recipients of services or relating  
8 to proceedings or actions to establish paternity or to establish  
9 or enforce support, or relating to the contents of any records,  
10 files, papers and communications, except in the administration of  
11 the child support program or the administration of public  
12 assistance, including civil or criminal proceedings or  
13 investigations conducted in connection with the administration of  
14 the child support program or the administration of public  
15 assistance. Such officers, employees, persons or entities are  
16 specifically prohibited from disclosing any information relating  
17 to the location of one party to another party:

18           (1) If a protective order has been entered against the  
19 other party; or

20           (2) If there is reason to believe that such disclosure of  
21 information may result in physical or emotional harm to the other  
22 party.

23  
24 In any judicial proceedings, except such proceedings as are  
25 directly concerned with the administration of these programs,  
26 such information obtained in the discharge of official duties  
27 relative to the identity of applicants for or recipients of child  
28 support services or public assistance, and records, files,

1 papers, communications and their contents shall be confidential  
2 and not admissible in evidence. Nothing in this subsection shall  
3 be construed to prohibit the circuit clerk from releasing  
4 information, not otherwise privileged, from court records for  
5 reasons other than the administration of the child support  
6 program, if such information does not identify any individual as  
7 an applicant for or recipient of services pursuant to sections  
8 454.400 to 454.645. Anyone who purposely or knowingly violates  
9 this subsection is guilty of a class A misdemeanor.

10 454.455. 1. In any case wherein an order for child support  
11 has been entered and the legal custodian and obligee pursuant to  
12 the order relinquishes physical custody of the child to a  
13 caretaker relative without obtaining a modification of legal  
14 custody, and the caretaker relative makes an assignment of  
15 support rights to the division of family services in order to  
16 receive aid to families with dependent children benefits, the  
17 relinquishment and the assignment, by operation of law, shall  
18 transfer the child support obligation pursuant to the order to  
19 the division in behalf of the state. The assignment shall  
20 terminate when the caretaker relative no longer has physical  
21 custody of the child, except for those unpaid support obligations  
22 still owing to the state pursuant to the assignment at that time.

23 2. As used in subsection 1 of this section, the term  
24 "caretaker relative" includes only those persons listed in  
25 subdivision (2) of subsection 1 of section 208.040, RSMo.

26 3. If an order for child support has been entered, no  
27 assignment of support has been made, and the legal custodian and  
28 obligee under the order relinquishes physical custody of the

1 child to a caretaker relative without obtaining a modification of  
2 legal custody, or the child is placed by the court in the legal  
3 custody of a state agency, the division may, thirty days after  
4 the transfer of custody and upon notice to the obligor and  
5 obligee, direct the obligor or other payor to change the payee to  
6 the caretaker relative or appropriate state agency. [Such] An  
7 order changing the payee to a caretaker relative shall terminate  
8 when the caretaker relative no longer has physical custody of the  
9 child, or the state agency is relieved of legal custody, except  
10 for the unpaid support obligations still owed to the caretaker  
11 relative or the state.

12 4. If there has been an assignment of support to an agency  
13 or division of the state or a requirement to pay through a state  
14 disbursement unit, the division may, upon notice to the obligor  
15 and obligee, direct the obligor or other payor to change the  
16 payee to the appropriate state agency.

17 454.460. As used in sections 454.400 to 454.560, unless the  
18 context clearly indicates otherwise, the following terms mean:

19 (1) "Court", any circuit court of this state and any court  
20 or agency of any other state having jurisdiction to determine the  
21 liability of persons for the support of another person;

22 (2) "Court order", any judgment, decree, or order of any  
23 court which orders payment of a set or determinable amount of  
24 support money;

25 (3) "Department", the department of social services of the  
26 state of Missouri;

27 (4) "Dependent child", any person under the age of  
28 twenty-one who is not otherwise emancipated, self-supporting,

1 married, or a member of the armed forces of the United States;

2 (5) "Director", the director of the division of child  
3 support enforcement, or the director's designee;

4 (6) "Division", the division of child support enforcement  
5 of the department of social services of the state of Missouri;

6 (7) "IV-D agency", an agency designated by a state to  
7 administer programs under Title IV-D of the Social Security Act;

8 (8) "IV-D case", a case in which services are being  
9 provided pursuant to section 454.400;

10 (9) "Obligee", any person, state, or political subdivision  
11 to whom [payments are required to be made pursuant to the terms  
12 of a court order for a child, spouse or former spouse] or to  
13 which a duty of support is owed as determined by a court or  
14 administrative agency of competent jurisdiction;

15 (10) "Obligor", any person [required to make payments  
16 pursuant to the terms of a court order for a child, spouse or  
17 former spouse] who owes a duty of support as determined by a  
18 court or administrative agency of competent jurisdiction;

19 (11) "Parent", [the] a biological or adoptive [father or  
20 mother of a dependent child] parent, including a presumed or  
21 putative father. The word "parent" shall also include any person  
22 who has been found to be such by:

23 (a) A court of competent jurisdiction in an action for  
24 dissolution of marriage, legal separation, or establishment of  
25 the parent and child relationship;

26 (b) The division under section 454.485;

27 (c) Operation of law under section 210.823, RSMo; or

28 (d) A court or administrative tribunal of another state;

1           (12) "Public assistance", any cash or benefit pursuant to  
2 Part IV-A, Part IV-B, Part IV-E, or Title XIX of the federal  
3 Social Security Act paid by the department to or for the benefit  
4 of any dependent child or any public assistance assigned to the  
5 state;

6           (13) "State", any state or political subdivision, territory  
7 or possession of the United States, District of Columbia, and the  
8 Commonwealth of Puerto Rico;

9           (14) "Support order", a judgment, decree or order, whether  
10 temporary, final or subject to modification, issued by a court or  
11 administrative agency of competent jurisdiction for the support  
12 and maintenance of a child, including a child who has attained  
13 the age of majority pursuant to the law of the issuing state, or  
14 of the parent with whom the child is living and providing  
15 monetary support, health care, child care, arrearages or  
16 reimbursement for such child, and which may include related costs  
17 and fees, interest and penalties, income withholding, attorneys'  
18 fees and other relief.

19           454.470. 1. [If a court order has not been previously  
20 entered or if a support order has been entered but is not  
21 entitled to recognition pursuant to sections 454.850 to 454.997,]  
22 The director may issue a notice and finding of financial  
23 responsibility to a parent who owes a state debt or who is  
24 responsible for the support of a child on whose behalf the  
25 custodian of that child is receiving support enforcement services  
26 from the division pursuant to section 454.425 if a court order  
27 has not been previously entered against that parent, a court  
28 order has been previously entered but has been terminated by

1 operation of law or if a support order from another state has  
2 been entered but is not entitled to recognition under sections  
3 454.850 to 454.997. [A copy] Service of the notice and finding  
4 shall be [mailed to the last known address of both parents and  
5 any person or agency having custody of the child within fourteen  
6 days of the issuance of such notice and finding] made on the  
7 parent or other party in the manner prescribed for service of  
8 process in a civil action by an authorized process server  
9 appointed by the director, or by certified mail, return receipt  
10 requested. The director may appoint any uninterested party,  
11 including but not limited to employees of the division, to serve  
12 such process. For purposes of this subsection, a parent who  
13 refuses receipt of service by certified mail is deemed to have  
14 been served. Service upon an obligee who is receiving support  
15 enforcement services under section 454.425 may be made by regular  
16 mail. When appropriate to the circumstances of the individual  
17 action, the notice shall state:

18 (1) The name of the person or agency with custody of the  
19 dependent child and the name of the dependent child for whom  
20 support is to be paid;

21 (2) The monthly future support for which the parent shall  
22 be responsible;

23 (3) The state debt, if any, accrued and accruing, and the  
24 monthly payment to be made on the state debt which has accrued;

25 (4) A statement of the costs of collection, including  
26 attorney's fees, which may be assessed against the parent;

27 (5) That the parent shall be responsible for providing  
28 medical insurance for the dependent child;

1           (6) That if a parent desires to discuss the amount of  
2 support that should be paid, the parent or person having custody  
3 of the child may, within twenty days after being served, contact  
4 the division office which sent the notice and request a  
5 negotiation conference. The other parent or person having  
6 custody of the child shall be notified of the negotiated  
7 conference and may participate in the conference. If no  
8 agreement is reached on the monthly amount to be paid, the  
9 director may issue a new notice and finding of financial  
10 responsibility, which may be sent to the parent required to pay  
11 support by regular mail addressed to the parent's last known  
12 address or, if applicable, the parent's attorney's last known  
13 address. A copy of the new notice and finding shall be sent by  
14 regular mail to the other parent or person having custody of the  
15 child;

16           (7) That if a parent or person having custody of the child  
17 objects to all or any part of the notice and finding of financial  
18 responsibility and no negotiation conference is requested, within  
19 twenty days of the date of service the parent or person having  
20 custody of the child shall send to the division office which  
21 issued the notice a written response which sets forth any  
22 objections and requests a hearing; and, that if the director  
23 issues a new notice and finding of financial responsibility, the  
24 parent or person having custody of the child shall have twenty  
25 days from the date of issuance of the new notice to send a  
26 hearing request;

27           (8) That if such a timely response is received by the  
28 appropriate division office, and if such response raises factual



1 questions requiring the submission of evidence, the parent or  
2 person having custody of the child shall have the right to a  
3 hearing before an impartial hearing officer who is an attorney  
4 licensed to practice law in Missouri and, that if no timely  
5 written response is received, the director may enter an order in  
6 accordance with the notice and finding of financial  
7 responsibility;

8 (9) That the parent has the right to be represented at the  
9 hearing by an attorney of the parent's own choosing;

10 (10) That the parent or person having custody of the child  
11 has the right to obtain evidence and examine witnesses as  
12 provided for in chapter 536, RSMo, together with an explanation  
13 of the procedure the parent or person having custody of the child  
14 shall follow in order to exercise such rights;

15 (11) That as soon as the order is entered, the property of  
16 the parent required to pay support shall be subject to collection  
17 actions, including, but not limited to, wage withholding,  
18 garnishment, liens, and execution thereon;

19 (12) A reference to sections 454.460 to 454.510;

20 (13) That the parent is responsible for notifying the  
21 division of any change of address or employment;

22 (14) That if the parent has any questions, the parent  
23 should telephone or visit the appropriate division office or  
24 consult an attorney; and

25 (15) Such other information as the director finds  
26 appropriate.

27 2. The statement of periodic future support required by  
28 subdivision (2) of subsection 1 of this section is to be computed

1 [as follows:

2 (1) If there is sufficient information available to the  
3 division regarding the parent's financial and living situation,  
4 the scale and formula provided for in section 454.480 shall be  
5 used; or

6 (2) If there is insufficient information available to use  
7 the scale and formula, an estimate of ability to pay shall be the  
8 basis of the statement] under the guidelines established in  
9 subsection 8 of section 452.340, RSMo.

10 3. Any time limits for notices or requests may be extended  
11 by the director, and such extension shall have no effect on the  
12 jurisdiction of the court, administrative body, or other entity  
13 having jurisdiction over the proceedings.

14 4. If a timely written response setting forth objections  
15 and requesting a hearing is received by the appropriate division  
16 office, and if such response raises a factual question requiring  
17 the submission of evidence, a hearing shall be held in the manner  
18 provided by section 454.475. If no timely written response and  
19 request for hearing is received by the appropriate division  
20 office, the director may enter an order in accordance with the  
21 notice, and shall specify:

22 (1) The amount of periodic support to be paid, with  
23 directions on the manner of payment;

24 (2) The amount of state debt, if any, accrued in favor of  
25 the department;

26 (3) The monthly payment to be made on state debt, if any;

27 (4) The amount of costs of collection, including attorney's  
28 fees, assessed against the parent;

1           (5) The name of the person or agency with custody of the  
2 dependent child and the name and birth date of the dependent  
3 child for whom support is to be paid;

4           (6) That the property of the parent is subject to  
5 collection actions, including, but not limited to, wage  
6 withholding, garnishment, liens, and execution thereon; and

7           (7) If appropriate, that the parent shall provide medical  
8 insurance for the dependent child, or shall pay the reasonable  
9 and necessary medical expenses of the dependent child.

10          5. The parent or person having custody of the child shall  
11 be sent a copy of the order by [registered or certified mail,  
12 return receipt requested,] regular mail addressed to the parent's  
13 last known address or, if applicable, the parent's attorney's  
14 last known address. The order is final, and action by the  
15 director to enforce and collect upon the order, including  
16 arrearages, may be taken from the date of issuance of the order.  
17 [A copy of the order shall also be sent by regular mail to the  
18 person having custody of a child for whom an order is issued  
19 pursuant to this section.]

20          6. Copies of the orders issued pursuant to this section  
21 shall be mailed within fourteen days of the issuance of the  
22 order.

23          7. Any parent or person having custody of the child who is  
24 aggrieved as a result of any allegation or issue of fact  
25 contained in the notice and finding of financial responsibility  
26 shall be afforded an opportunity for a hearing, upon the request  
27 in writing filed with the director not more than twenty days  
28 after service of the notice and finding is made upon such parent

1 or person having custody of the child, and if in requesting such  
2 hearing, the aggrieved parent or person having custody of the  
3 child raises a factual issue requiring the submission of  
4 evidence.

5 8. At any time after the issuance of an order under this  
6 section, the director may issue an order vacating that order if  
7 it is found that the order was issued without subject matter or  
8 personal jurisdiction or if the order was issued without  
9 affording the obligor due process of law.

10 454.496. 1. At any time after the entry of a court order  
11 for child support in a case in which support rights have been  
12 assigned to the state pursuant to section 208.040, RSMo, or a  
13 case in which support enforcement services are being provided  
14 pursuant to section 454.425, the obligated parent, the obligee or  
15 the division of child support enforcement may file a motion to  
16 modify the existing child support order pursuant to this section,  
17 if a review has first been completed by the director of child  
18 support enforcement pursuant to subdivision (13) of subsection 2  
19 of section 454.400. The motion shall be in writing in a form  
20 prescribed by the director, shall set out the reasons for  
21 modification and shall state the telephone number and address of  
22 the moving party. The motion shall be served in the same manner  
23 provided for in subsection 5 of section 454.465 upon the  
24 obligated parent, the obligee and the division, as appropriate.  
25 In addition, if the support rights are held by the division of  
26 family services on behalf of the state, the moving party shall  
27 mail a true copy of the motion by certified mail to the person  
28 having custody of the dependent child at the last known address

1 of that person. The party against whom the motion is made shall  
2 have thirty days either to resolve the matter by stipulated  
3 agreement or to serve the moving party and the director, as  
4 appropriate, by regular mail with a written response setting  
5 forth any objections to the motion and a request for hearing.  
6 When requested, the hearing shall be conducted pursuant to  
7 section 454.475 by hearing officers designated by the department  
8 of social services. In such proceedings, the hearing officers  
9 shall have the authority granted to the director pursuant to  
10 subsection 6 of section 454.465.

11 2. When no objections and request for hearing have been  
12 served within thirty days, the director, upon proof of service,  
13 shall enter an order granting the relief sought. Copies of the  
14 order shall be mailed to the parties within fourteen days of  
15 issuance.

16 3. A motion to modify made pursuant to this section shall  
17 not stay the director from enforcing and collecting upon the  
18 existing order unless so ordered by the court in which the order  
19 is docketed.

20 4. The only support payments which may be modified are  
21 payments accruing subsequent to the service of the motion upon  
22 all parties to the motion.

23 5. The party requesting modification shall have the burden  
24 of proving that a modification is appropriate pursuant to the  
25 provisions of section 452.370, RSMo.

26 6. Notwithstanding the provisions of section 454.490 to the  
27 contrary, an administrative order modifying a court order is not  
28 effective until the administrative order is filed with and

1 approved by the court that entered the court order. The court  
2 may approve the administrative order if no party affected by the  
3 decision has filed a petition for judicial review pursuant to  
4 sections 536.100 to 536.140, RSMo. After the thirty-day time  
5 period for filing a petition of judicial review pursuant to  
6 chapter 536, RSMo, has passed, the court shall render its  
7 decision within fifteen days. If the court finds the  
8 administrative order should be approved, the court shall make a  
9 written finding on the record that the order complies with  
10 section 452.340, RSMo, and applicable supreme court rules and  
11 approve the order. If the court finds that the administrative  
12 order should not be approved, the court shall set the matter for  
13 trial de novo.

14 7. If a petition for judicial review is filed, the court  
15 shall review all pleadings and the administrative record, as  
16 defined in section 536.130, RSMo, pursuant to section 536.140,  
17 RSMo. After such review, the court shall determine if the  
18 administrative order complies with section 452.340 and applicable  
19 supreme court rules. If it so determines, the court shall make a  
20 written finding on the record that the order complies with  
21 section 452.340 and applicable supreme court rules and approve  
22 the order or, if after review pursuant to section 536.140, RSMo,  
23 the court finds that the administrative order does not comply  
24 with supreme court rule 88.01, the court may select any of the  
25 remedies set forth in subsection 5 of section 536.140, RSMo. The  
26 court shall notify the parties and the division of any setting  
27 pursuant to this section.

28 [7.] 8. Notwithstanding the venue provisions of chapter

1 536, RSMo, to the contrary, for the filing of petitions for  
2 judicial review of final agency decisions and contested cases,  
3 the venue for the filing of a petition for judicial review  
4 contesting an administrative order entered pursuant to this  
5 section modifying a judicial order shall be in the court which  
6 entered the judicial order. In such cases in which a petition  
7 for judicial review has been filed, the court shall consider the  
8 matters raised in the petition and determine if the  
9 administrative order complies with section 452.340 and applicable  
10 supreme court rules. If the court finds that the administrative  
11 order should not be approved, the court shall set the matter for  
12 trial de novo. The court shall notify the parties and the  
13 division of the setting of such proceeding. If the court  
14 determines that the matters raised in the petition are without  
15 merit and that the administrative order complies with the  
16 provisions of section 452.340 and applicable supreme court rules,  
17 the court shall approve the order.

18 454.511. The division may certify a person who owes a child  
19 support arrearage in [an] excess of the amount [exceeding five  
20 thousand dollars] set forth in 42 U.S.C. 654(31) to the  
21 appropriate federal government agency for the purpose of denying  
22 a passport to such person, or revoking, suspending or limiting a  
23 passport previously issued to such person. Such person shall be  
24 mailed, by the division or on behalf of the division, a notice of  
25 the proposed certification and the consequences thereof upon such  
26 person. Within thirty days of receipt of the notice, the person  
27 may contest the proposed certification by requesting in writing a  
28 hearing pursuant to the procedures in section 454.475. At such

1 hearing the obligor may assert only mistake of fact as a defense.  
2 For purposes of this section, "mistake of fact" means an error in  
3 the amount of arrearages or an error as to the identity of the  
4 obligor. The obligor shall have the burden of proof on such  
5 issues. The division shall not certify the person until after a  
6 final decision has been reached.

7 511.350. 1. Judgments and decrees entered by the supreme  
8 court, by any United States district or circuit court held within  
9 this state, by any district of the court of appeals, by any  
10 circuit court and any probate division of the circuit court,  
11 except judgments and decrees rendered by associate, small claims  
12 and municipal divisions of the circuit courts, shall be liens on  
13 the real estate of the person against whom they are entered,  
14 situate in the county for which or in which the court is held.

15 2. Judgments and decrees rendered by the associate  
16 divisions of the circuit courts shall not be liens on the real  
17 estate of the person against whom they are rendered until such  
18 judgments or decrees are filed with the clerk of the circuit  
19 court pursuant to sections 517.141 and 517.151, RSMo.

20 3. Judgments and decrees entered by the small claims and  
21 municipal divisions of the circuit court shall not constitute  
22 liens against the real estate of the person against whom they are  
23 rendered.

24 4. Notwithstanding any other provision of law, no judgments  
25 or decrees entered by any court of competent jurisdiction may be  
26 amended or modified by any administrative agency without the  
27 approval of a court of competent jurisdiction.

28 5. Notwithstanding subsection 4 of this section or any



1 other law to the contrary, no judgments or decrees entered by any  
2 court of competent jurisdiction relating to child support orders  
3 may be amended or modified by any administrative agency without  
4 the approval of a court of competent jurisdiction.

5       [454.480. In order to assist in determining the  
6 amount that a parent shall be ordered to contribute  
7 toward the support of a dependent child, the division  
8 shall establish by regulation a scale and formula for  
9 determining minimum support obligations. The scale and  
10 formula shall take into account the following factors:

11       (1) All earnings and income resources of the  
12 parents, including real and personal property;

13       (2) The reasonable necessities of the parent;

14       (3) The needs of the dependent child for whom  
15 support is sought;

16       (4) The amount of public assistance which would  
17 be paid to the dependent child under the full standard  
18 of need of the state's public assistance plan;

19       (5) The existence of other dependents, except  
20 that the dependent child for whom support is sought  
21 shall benefit from the income and resources of the  
22 parent on an equitable basis in comparison with any  
23 other dependent of the parent;

24       (6) Other reasonable criteria which the division  
25 may choose to incorporate.]  
26

27       [454.810. 1. For all IV-D cases as defined by  
28 section 452.345, RSMo, the division of child support  
29 enforcement shall determine support arrearages and  
30 credits by consent of the parties to the support order  
31 or by use of the administrative order process set out  
32 in section 454.476.

33       2. Notwithstanding any provisions of section  
34 454.475 to the contrary, hearings pursuant to this  
35 section may be requested by either party and may be  
36 conducted by nonattorney hearing officers specially  
37 designated by the department of social services. Any  
38 person adversely affected by any hearing decisions  
39 pursuant to this section may obtain judicial review  
40 pursuant to sections 536.100 to 536.140, RSMo.

41       3. Any support arrearage and credit determination  
42 established pursuant to this section and all  
43 documentation that forms the basis for the  
44 determination shall be filed with the circuit clerk and  
45 shall be considered part of the official trusteeship  
46 record if filed prior to October 1, 1999, or if filed  
47 after such date, as part of the records of the payment

center pursuant to this chapter for all purposes.]

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